TORONTO

REPORT FOR ACTION

835-841 Queen Street East – Rental Housing Demolition Application Under Municipal Code 667– Final Report

Date: February 6, 2017
To: Toronto East York Community Council
From: Director, Community Planning, Toronto East York District
Wards: Ward 30 – Toronto-Danforth

SUMMARY

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been filed for the residential property at 835-841 Queen Street East (14 153558 STE 30 RH). This application seeks approval to demolish all 36 Social Housing Units within the existing mixed-use building which is owned and operated by WoodGreen Community Housing Inc., a community non-profit housing provider.

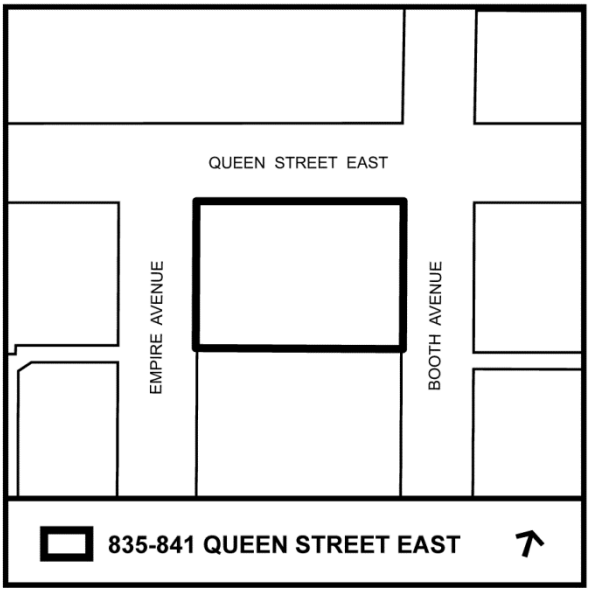
As of the date of this report, a redevelopment application for the subject site at 835-841 Queen Street East has not been submitted to the City.

WoodGreen Community Housing Inc. proposes to provide off-site replacement for all 36 Social Housing Units within a rental building they are proposing to develop at 1117 Gerrard Street East and an existing rental building that they currently own and operate at 1119 Gerrard Street East, approximately 1.5 kilometres northeast of the subject site. All 36 replacement Social Housing Units would be owned and operated by WoodGreen Community Housing Inc. as social housing units with rent-geared-to-income subsidies. The off-site relocation of the 36 existing Social Housing Units would allow for the sale of the subject property to a third party for redevelopment purposes.

WoodGreen Community Housing Inc. has submitted an Official Plan Amendment and Rezoning application for the lands at 1117-1119 Gerrard Street to develop a five-storey building containing the replacement Social Housing Units, generally intended for low-income seniors. Additional details on this application will be provided in separate staff report.

This report recommends approval of the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code and residential demolition permit under Chapter 363 of the Toronto Municipal Code for demolition of the mixed-use building at 835-841 Queen Street East, subject to conditions.

Table 1: Site Map; 835-841 Queen Street East



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application for a Rental Housing Demolition permit in accordance with Municipal Code Chapter 667 to allow the demolition of thirty-six (36) existing Social Housing Units located at 835-841 Queen Street East subject to the following conditions:

    a. The owner shall provide and maintain on the site or on the lands known as 1117-1119 Gerrard Street East 36 replacement Social Housing Units, comprising of 36 one-bedroom dwelling units, for a period of at least 25 years, from the date of first occupancy and as generally shown on the plans dated August 26, 2016 for that site submitted to the City Planning Division. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director City Planning;

b. The owner shall provide at least thirty-six (36) one-bedroom replacement Social Housing Units at 1117-1119 Gerrard Street East with rents-geared-to-income for at least 25 years;

c. The owner shall provide tenant relocation and assistance to all eligible tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

d. The owner shall enter into and register on title of 835-841 Queen Street East one or more Agreement(s) to secure the conditions outlined in a, b and c above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;

e. The owner shall enter into and register on title of 1117-1119 Gerrard Street East one or more Agreement(s) to secure the conditions outlined in a and b above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

f. The owner shall enter into and register on title of 1117-1119 Gerrard Street East and 835-841 Queen Street East, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor agreeing not to transfer or charge those parts of the lands, comprising the 36 replacement Social Housing Units, without the written consent of the Chief Planner and Executive Director, City Planning Division or her designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 agreement.

2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval for the application under Municipal Code Chapter 667 for the demolition of the thirty-six (36) existing Social Housing Units at 835-841 Queen Street East after all of the following have occurred:

a. Satisfaction or securing of the conditions in Recommendation 1 above;

b. With respect to 835-841 Queen Street East, if applicable:

i. Any Zoning By-law amendment for the redevelopment of the site has come into full force and effect;

ii. Any Official Plan amendment for the redevelopment of the site has come into full force and effect;

iii. The issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner or her designate for the redevelopment of site, pursuant to Section 114 of the *City of Toronto Act, 2006*; and

iv. the issuance of excavation and shoring permits for an appro ed structure on the site;

c. With respect to 1117-1119 Gerrard Street East:

i. The Zoning By-law amendment for the site has come into full force and effect;

ii. The Official Plan amendment for the site has come into full force and effect;

iii. The issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner or her designate for the site, pursuant to Section 114 of the *City of Toronto Act, 2006*; and

iv. The issuance of the first above grade permit for an approved structure for the site;

3. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given preliminary approval referred to in Recommendation 2.

4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for excavation and shoring of the development at 835-841 Queen Street East, and after the Chief Planner and Executive Director, City Planning Division has given preliminary approval referred to in Recommendation 2, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:

a. The owner erect a building on site no later than three (3) years from the day demolition of the building is commenced; and

b. Should the owner fail to complete the new building within the time specified in condition a above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars ($20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

5. Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 12, 2014, Toronto and East York Community Council (TEYCC) adopted the Preliminary Report dated July 15, 2014 and endorsed in principle the Rental Housing Demolition and off-site replacement of the 36 existing Social Housing Units at 835-841 Queen Street East. The report can be accessed at: http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-72282.pdf

ISSUE BACKGROUND

Proposal

The Residential Rental Demolition application proposes to demolish the existing mixed-use building at 835-841 Queen Street East containing ground floor community facilities (which are generally vacant) and 36 Social Housing Units. This building is currently owned and operated by WoodGreen Community Housing Inc., a community non-profit housing provider. The applicant proposes to provide off-site replacement of all 36 existing Social Housing Units within a proposed five-storey building to be located at 1117 Gerrard Street East, also owned and operated by WoodGreen Community Housing Inc. All 36 replacement Social Housing Units would be one-bedroom units with rents-geared-to-income, providing housing to low-income seniors.

WoodGreen Community Services

WoodGreen Community Services has provided community, employment and housing services to residents of Toronto's east end for more than 75 years. They were originally affiliated with WoodGreen United Church at 875 Queen Street East and began operating independently of the church in the late 1960's. WoodGreen currently serves approximately 37,000 people annually, mostly east of the Don River, and provides services including job placement, affordable housing, child care, etc. WoodGreen helps people find safe, affordable housing, seniors live independently, internationally-trained professionals enter the job

market, parents access childcare, children and youth access after-school programs, newcomers settle in to Canadian life, homeless and marginalized people get off the streets and youth find meaningful employment and training.

Site and Surrounding Area

The site is located on the south side of Queen Street East between Empire and Booth Avenues. The site is currently occupied by a four-storey mixed-use building. The existing community services facility at 835 Queen Street East was constructed in 1946 and later renovated in the mid-1980's to include 36 Social Housing Units for single-person households. These community services functions were relocated to another WoodGreen facility on Danforth between 2008 and 2012. The 36 Social Housing Units occupy the remainder of the building, of which 32 units are bachelor units and four are one-bedroom units. According to applicant, all 36 Social Housing Units are occupied at rents-geared-to-income.

Uses surrounding the site include:

North: Across Queen Street East are Jimmie Simpson Recreation Centre and Jimmie Simpson Park.

South: Low-rise residential buildings.

East: Across Booth Avenue is WoodGreen United Church and Neighbourhood Houses. Further east are generally low-rise mixed-use buildings along Queen Street East.

West: Across Empire Avenue is a three-storey mixed-use building (generally known as the Empire Mills building). Further west are low-rise residential buildings and the CN railway corridor.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to carrying out its responsibilities, including: the orderly development of safe and healthy communities: the conservation of features of significant architectural, cultural and historical interest; the adequate provision of employment opportunities; and the appropriate location of growth and development.

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types and affordability to meet projected

requirements of current and future residents; wise use and management of resources and protecting public health and healthy communities. The PPS recognizes that local context and character is important. Policies are outcome-oriented and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.7 states that the redevelopment of social housing properties, including those which propose a mix of housing including varying levels of rental assistance, varying housing types and forms and/or the inclusion of affordable ownership housing options, that would have the effect of removing a social housing building or related group of buildings containing one or more social housing units, will secure:

a. full replacement of the social housing units;

b. replacement social housing units at rents similar to those at the time of the application, including the provision of a similar number of units with rents geared to household income; and

c. an acceptable tenant relocation and assistance plan addressing provision of alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement social housing units and other assistance to mitigate hardship.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from

the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official plan policies protecting rental and affordable housing.

Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, Council approval of the demolition of residential dwelling units under Section 33 of the Planning Act is also required where six or more residential dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

On May 8, 2014, the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code, proposing off-site replacement.

Reasons for Application

An application to permit the demolition of the 36 existing Social Housing Units is required under Chapter 667 of the Toronto Municipal Code as the site contains at least 6 residential dwelling units of which at least one was used for residential rental purposes.

Tenant Consultation

On January 31, 2017, City Planning, in collaboration with staff from WoodGreen Community Services, hosted a Tenant Consultation Meeting at 835-841 Queen Street East. Approximately 15 tenants were in attendance. During this meeting, staff provided an overview of the City's rental housing policies and rental demolition by-law, reviewed the application process and described the proposed tenant relocation and assistance plan.

This meeting concluded with a question and answer period during which tenants were provided an opportunity to ask questions of staff and make comments. Staff noted the following:

- A number of tenants asked specific questions about when they would have to move out and how much notice they would be given to vacate their unit;
- In general, tenants were worried about finding an alternative unit that they could afford and wanted to know if WoodGreen would be required to help them find a comparable apartment with rents-geared-to-income or rent supplements;
- Tenants wanted to know if they would be eligible to move into the new building at 1117-1119 Gerrard Street East; and

- A number of tenants indicated that they liked the building and wanted to know why WoodGreen had submitted an application to the City to demolish it.

The comments raised are dressed below in this report.

COMMENTS

Existing Social Housing Units
As of the date of this report, the ground floor of this building is vacant. The upper three floors contain a total of 36 Social Housing Units, 32 bachelor units and 4 one-bedroom units. Average unit sizes for these units are 28 square metres and 38 square metres respectively.

Replacement Social Housing Units
As illustrated in the August 26, 2016 Floor Plans for 1117-1119 Gerrard Street East provided by the applicant, WoodGreen Community Housing Inc. proposes to locate 35 of the replacement Social Housing Units within the proposed five-storey building at 1117 Gerrard Street East and renovate the ground floor of 1119 Gerrard Street East to accommodate 1 replacement Social Housing Unit. All existing Social Housing Units (32 bachelor and 4 one-bedroom units) would be replaced with one-bedroom units with a minimum floor area of at least 37 square metres.

Tenants of the replacement dwelling units would have access to expanded laundry facilities on the ground floor of 1119 Gerrard Street East and all indoor and outdoor amenities within the existing and proposed buildings at 1117-1119 Gerrard Street East. These amenities would include a rooftop patio with BBQs and outdoor seating and amenity room. All details regarding the proposed unit mix and minimum unit sizes, access to all facilities and amenities by existing and future tenants would be secured through one or more agreements with the City. These agreements would also secure the tenure of the replacement Social Housing Units for a minimum of 25 years.

Tenure and Rents for the New and Replacement Social Housing Units
According to the Housing Issues Report and rent rolls provided by the applicant, all 36 of the existing Social Housing Units at 835-841 Queen Street East had rents-geared-to-income at the time of application. The applicant has agreed to provide and maintain the 36 replacement Social Housing Units at rents-geared-to-income for at least 25 years, beginning from the date that each replacement rental dwelling unit is first occupied.

Existing Tenants Right-of-First-Refusal to a Replacement Social Housing Unit

As currently proposed, existing tenants at 835-841 Queen Street East may not be given the right-of-first-refusal to occupy one of the new replacement Social Housing Units at 1117-1119 as WoodGreen intends to make these replacement units available to low-income seniors and individuals with disabilities. However, WoodGreen Community Housing Inc. will provide Tenant Relocation and Assistance to all affected tenants currently living at 835-841 Queen Street as outlined below.

Tenant Relocation and Assistance Plan

WoodGreen Community Housing Inc. has agreed to provide tenant relocation and assistance to all eligible tenants, all of which would be to the satisfaction of the Chief Planner and secured through one or more agreements with the City. This tenant relocation and assistance plan would assist this particularly vulnerable tenant group find, secure and maintain alternative accommodations. As part of this Plan, tenants would:

- Receive regular updates regarding the status of their tenancies within the existing building during the monthly tenant meetings;

- Receive at least 12 months' notice of the date that they must vacate their apartment unit;

- Have access to alternative Social Housing Units within WoodGreen's portfolio of subsidized units or a subsidized unit in a building operated by another non-project housing provider;

- Receive relocation and ongoing individualized supportive services throughout the relocation process from WoodGreen's Tenant Relocation Team. This Team's focus and emphasis would be on resettling residents into their new homes and minimizing tenancy failures;

- Receive moving assistance; and

- Receive ongoing support for up to two years following their relocation to an alternative rent-geared-to-income or rent supplement unit.

WoodGreen has extensive experience in providing relocation support services to vulnerable and low-income tenants. Staff from the City's Streets to Homes program would also provide support to effected tenants. City Planning Staff will also continue to work with WoodGreen to ensure that an acceptable tenant relocation and assistance plan is implemented, resulting in the rehousing of all affected tenants.

CONCLUSION

Staff is recommending that Council approve the demolition of the 36 existing Social Housing Units located at 835-841 Queen Street East subject to the conditions set out in the recommendations in this report which include conditions related to the 1117-1119 Gerrard Street East Official Plan Amendment and Rezoning application where the existing Social Housing Units are proposed to be replaced.

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SIGNATURE

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